

1 AMENDMENT TO HOUSE BILL 59

2 AMENDMENT NO. _____. Amend House Bill 59 by replacing the
3 title with the following:

4 "AN ACT concerning child care facilities."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Child Care Act of 1969 is amended by
8 changing Section 4.2 as follows:

9 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

10 Sec. 4.2. (a) No applicant may receive a license from
11 the Department and no person may be employed by a licensed
12 child care facility who refuses to authorize an investigation
13 as required by Section 4.1.

14 (b) In addition to the other provisions of this Section,
15 no applicant may receive a license from the Department and no
16 person may be employed by a child care facility licensed by
17 the Department who has been declared a sexually dangerous
18 person under "An Act in relation to sexually dangerous
19 persons, and providing for their commitment, detention and
20 supervision", approved July 6, 1938, as amended, or convicted
21 of committing or attempting to commit any of the following

1 offenses stipulated under the Criminal Code of 1961:

- 2 (1) murder;
- 3 (1.1) solicitation of murder;
- 4 (1.2) solicitation of murder for hire;
- 5 (1.3) intentional homicide of an unborn child;
- 6 (1.4) voluntary manslaughter of an unborn child;
- 7 (1.5) involuntary manslaughter;
- 8 (1.6) reckless homicide;
- 9 (1.7) concealment of a homicidal death;
- 10 (1.8) involuntary manslaughter of an unborn child;
- 11 (1.9) reckless homicide of an unborn child;
- 12 (1.10) drug-induced homicide;
- 13 (2) a sex offense under Article 11, except offenses
- 14 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 15 (3) kidnapping;
- 16 (3.1) aggravated unlawful restraint;
- 17 (3.2) forcible detention;
- 18 (3.3) harboring a runaway;
- 19 (3.4) aiding and abetting child abduction;
- 20 (4) aggravated kidnapping;
- 21 (5) child abduction;
- 22 (6) aggravated battery of a child;
- 23 (7) criminal sexual assault;
- 24 (8) aggravated criminal sexual assault;
- 25 (8.1) predatory criminal sexual assault of a child;
- 26 (9) criminal sexual abuse;
- 27 (10) aggravated sexual abuse;
- 28 (11) heinous battery;
- 29 (12) aggravated battery with a firearm;
- 30 (13) tampering with food, drugs, or cosmetics;
- 31 (14) drug induced infliction of great bodily harm;
- 32 (15) hate crime;
- 33 (16) stalking;
- 34 (17) aggravated stalking;

- 1 (18) threatening public officials;
- 2 (19) home invasion;
- 3 (20) vehicular invasion;
- 4 (21) criminal transmission of HIV;
- 5 (22) criminal abuse or neglect of an elderly or
- 6 disabled person;
- 7 (23) child abandonment;
- 8 (24) endangering the life or health of a child;
- 9 (25) ritual mutilation;
- 10 (26) ritualized abuse of a child;
- 11 (27) an offense in any other jurisdiction state the
- 12 elements of which are similar and bear a substantial
- 13 relationship to any of the foregoing offenses.

14 (b-1) In addition to the other provisions of this
 15 Section, beginning January 1, 2004, no new applicant and, on
 16 the date of licensure renewal, no current licensee may
 17 operate or receive a license from the Department to operate,
 18 no person may be employed by, and no adult person may reside
 19 in a child care facility licensed by the Department who has
 20 been convicted of committing or attempting to commit any of
 21 the following offenses or an offense in any other
 22 jurisdiction the elements of which are similar and bear a
 23 substantial relationship to any of the following offenses:

24 (I) BODILY HARM

- 25 (1) Felony aggravated assault.
- 26 (2) Vehicular endangerment.
- 27 (3) Felony domestic battery.
- 28 (4) Aggravated battery.
- 29 (5) Heinous battery.
- 30 (6) Aggravated battery with a firearm.
- 31 (7) Aggravated battery of an unborn child.
- 32 (8) Aggravated battery of a senior citizen.
- 33 (9) Intimidation.

1 (10) Compelling organization membership of persons.

2 (11) Abuse and gross neglect of a long term care
3 facility resident.

4 (12) Felony violation of an order of protection.

5 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

6 (1) Felony unlawful use of weapons.

7 (2) Aggravated discharge of a firearm.

8 (3) Reckless discharge of a firearm.

9 (4) Unlawful use of metal piercing bullets.

10 (5) Unlawful sale or delivery of firearms on the
11 premises of any school.

12 (6) Disarming a police officer.

13 (7) Obstructing justice.

14 (8) Concealing or aiding a fugitive.

15 (9) Armed violence.

16 (10) Felony contributing to the criminal
17 delinquency of a juvenile.

18 (III) DRUG OFFENSES

19 (1) Possession of more than 30 grams of cannabis.

20 (2) Manufacture of more than 10 grams of cannabis.

21 (3) Cannabis trafficking.

22 (4) Delivery of cannabis on school grounds.

23 (5) Unauthorized production of more than 5 cannabis
24 sativa plants.

25 (6) Calculated criminal cannabis conspiracy.

26 (7) Unauthorized manufacture or delivery of
27 controlled substances.

28 (8) Controlled substance trafficking.

29 (9) Manufacture, distribution, or advertisement of
30 look-alike substances.

31 (10) Calculated criminal drug conspiracy.

32 (11) Street gang criminal drug conspiracy.

1 (12) Permitting unlawful use of a building.

2 (13) Delivery of controlled, counterfeit, or
3 look-alike substances to persons under age 18, or at
4 truck stops, rest stops, or safety rest areas, or on
5 school property.

6 (14) Using, engaging, or employing persons under 18
7 to deliver controlled, counterfeit, or look-alike
8 substances.

9 (15) Delivery of controlled substances.

10 (16) Sale or delivery of drug paraphernalia.

11 (17) Felony possession, sale, or exchange of
12 instruments adapted for use of a controlled substance or
13 cannabis by subcutaneous injection.

14 (18) Felony possession of a controlled substance.

15 (b-2) For child care facilities other than foster family
16 homes, the Department may issue a new child care facility
17 license to or renew the existing child care facility license
18 of an applicant, a person employed by a child care facility,
19 or an applicant who has an adult residing in a home child
20 care facility who was convicted of an offense described in
21 subsection (b-1), provided that all of the following
22 requirements are met:

23 (1) The relevant criminal offense occurred more
24 than 5 years prior to the date of application or renewal,
25 except for drug offenses. The relevant drug offense must
26 have occurred more than 10 years prior to the date of
27 application or renewal, unless the applicant passed a
28 drug test, arranged and paid for by the child care
29 facility, no more than 60 days before or after
30 application or application for renewal.

31 (2) The Department must conduct a background check
32 and assess all convictions and recommendations of the
33 child care facility to determine if waiver shall apply in
34 accordance with Department administrative rules and

1 procedures.

2 (3) The applicant meets all other requirements and
3 qualifications to be licensed as the pertinent type of
4 child care facility under this Act and the Department's
5 administrative rules.

6 (c) In addition to the other provisions of this Section
7 ~~set-forth-in-subsection--(b)~~, no applicant may receive a
8 license from the Department to operate a foster family home,
9 and no adult person may reside in a foster family home
10 licensed by the Department, who has been convicted of
11 committing or attempting to commit any of the following
12 offenses stipulated under the Criminal Code of 1961, the
13 Cannabis Control Act, and the Illinois Controlled Substances
14 Act:

15 (I) OFFENSES DIRECTED AGAINST THE PERSON

16 (A) KIDNAPPING AND RELATED OFFENSES

17 (1) Unlawful restraint.

18 (B) BODILY HARM

19 (2) Felony aggravated assault.

20 (3) Vehicular endangerment.

21 (4) Felony domestic battery.

22 (5) Aggravated battery.

23 (6) Heinous battery.

24 (7) Aggravated battery with a firearm.

25 (8) Aggravated battery of an unborn child.

26 (9) Aggravated battery of a senior citizen.

27 (10) Intimidation.

28 (11) Compelling organization membership of persons.

29 (12) Abuse and gross neglect of a long term care
30 facility resident.

31 (13) Felony violation of an order of protection.

32 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 1 (14) Felony theft.
- 2 (15) Robbery.
- 3 (16) Armed robbery.
- 4 (17) Aggravated robbery.
- 5 (18) Vehicular hijacking.
- 6 (19) Aggravated vehicular hijacking.
- 7 (20) Burglary.
- 8 (21) Possession of burglary tools.
- 9 (22) Residential burglary.
- 10 (23) Criminal fortification of a residence or
- 11 building.
- 12 (24) Arson.
- 13 (25) Aggravated arson.
- 14 (26) Possession of explosive or explosive
- 15 incendiary devices.

16 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 17 (27) Felony unlawful use of weapons.
- 18 (28) Aggravated discharge of a firearm.
- 19 (29) Reckless discharge of a firearm.
- 20 (30) Unlawful use of metal piercing bullets.
- 21 (31) Unlawful sale or delivery of firearms on the
- 22 premises of any school.
- 23 (32) Disarming a police officer.
- 24 (33) Obstructing justice.
- 25 (34) Concealing or aiding a fugitive.
- 26 (35) Armed violence.
- 27 (36) Felony contributing to the criminal
- 28 delinquency of a juvenile.

29 (IV) DRUG OFFENSES

- 30 (37) Possession of more than 30 grams of cannabis.
- 31 (38) Manufacture of more than 10 grams of cannabis.
- 32 (39) Cannabis trafficking.

- 1 (40) Delivery of cannabis on school grounds.
- 2 (41) Unauthorized production of more than 5
- 3 cannabis sativa plants.
- 4 (42) Calculated criminal cannabis conspiracy.
- 5 (43) Unauthorized manufacture or delivery of
- 6 controlled substances.
- 7 (44) Controlled substance trafficking.
- 8 (45) Manufacture, distribution, or advertisement of
- 9 look-alike substances.
- 10 (46) Calculated criminal drug conspiracy.
- 11 (46.5) Streetgang criminal drug conspiracy.
- 12 (47) Permitting unlawful use of a building.
- 13 (48) Delivery of controlled, counterfeit, or
- 14 look-alike substances to persons under age 18, or at
- 15 truck stops, rest stops, or safety rest areas, or on
- 16 school property.
- 17 (49) Using, engaging, or employing persons under 18
- 18 to deliver controlled, counterfeit, or look-alike
- 19 substances.
- 20 (50) Delivery of controlled substances.
- 21 (51) Sale or delivery of drug paraphernalia.
- 22 (52) Felony possession, sale, or exchange of
- 23 instruments adapted for use of a controlled substance or
- 24 cannabis by subcutaneous injection.
- 25 (d) Notwithstanding subsection (c), the Department may
- 26 issue a new foster family home license or may renew an
- 27 existing foster family home license of an applicant who was
- 28 convicted of an offense described in subsection (c), provided
- 29 all of the following requirements are met:
- 30 (1) The relevant criminal offense or offenses
- 31 occurred more than 10 years prior to the date of
- 32 application or renewal.
- 33 (2) The applicant had previously disclosed the
- 34 conviction or convictions to the Department for purposes

1 of a background check.

2 (3) After the disclosure, the Department either
3 placed a child in the home or the foster family home
4 license was issued.

5 (4) During the background check, the Department had
6 assessed and waived the conviction in compliance with the
7 existing statutes and rules in effect at the time of the
8 waiver.

9 (5) The applicant meets all other requirements and
10 qualifications to be licensed as a foster family home
11 under this Act and the Department's administrative rules.

12 (6) The applicant has a history of providing a
13 safe, stable home environment and appears able to
14 continue to provide a safe, stable home environment.

15 (Source: P.A. 91-357, eff. 7-29-99; 92-328, eff. 1-1-02.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."